

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Yusaku FUJII et al.**

Art Unit: **2137**

Application Number: **09/425,736**

Examiner: **Nadia Khoshnoodi**

Filed: **October 22, 1999**

Confirmation Number: **9951**

For: **ILLEGAL ACCESS DISCRIMINATING APPARATUS AND METHOD**

Attorney Docket Number: **991176**

Customer Number: **38834**

REQUEST FOR RETURN OF PTO/SB/08

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 21, 2008

Sir:

Applicants filed an Information Disclosure Statement (IDS) on June 5, 2008. A copy of the IDS is attached hereto.

Applicants respectfully request that the Examiner return a copy of the Form PTO/SB/08 that accompanies the IDS, marked to indicate that all of the references, including Foreign Reference JP 10-269185, listed therein have been considered by the Office. That is, the Examiner failed to consider the "Foreign Reference JP 10-269185," since the Examiner deemed that "the translated version of the abstract has not been filed." However, it is respectfully submitted that translated version of the abstract for Foreign Reference JP 10-269185 was filed on June 5, 2008 with the IDS.

Moreover, MPEP §609.04(a) III comments on the concise explanation of relevance as follows:

Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

The Official Actions from the Japanese Patent Office submitted with the IDS complied with the above requirements of MPEP §609.04(a) III. Accordingly, it is respectfully submitted that the IDS was fully compliant. Applicant requests express consideration of JP 10-269185.

The Examiner is encouraged to telephone the undersigned if the Examiner has any questions concerning this Request.

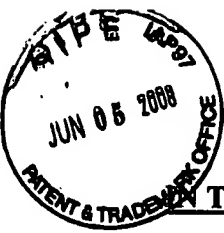
Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to be 'TEB', written over a horizontal line.

Thomas E. Brown
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/nrp



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group Art Unit: **2137**

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

June 5, 2008

Sir:

In compliance with 37 C.F.R. §1.56, Applicants direct the attention of the Patent and Trademark Office to the documents listed on the attached PTO/SB/08. A copy of each non- U.S. document is enclosed herewith.

If there are any fees due in connection with the filing of this paper, please charge Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Thomas E. Brown
Attorney for Applicants
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/nrp

Enclosure: PTO/SB/08 and 4 Documents



Combined Form PTO/SB/08A&B <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> (use as many sheets as necessary)				Complete if Known	
				Application Number	09/425,736
				Confirmation Number	9951
				Application Filing Date	October 22, 1999
				First Named Inventor	Yusaku FUJII
				Art Unit	2137
Examiner Name	Nadia Khoshnoodi				
Attorney Docket Number	991176				
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
		US			
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ² (if known)			
	1	JP	10-222469		08-21-1998	OKI ELECTRIC IND CO. LTD.	Yes
	2	JP	10-269183		10-09-1998	OKI ELECTRIC IND CO. LTD.	Abstract
	3	JP	08-249253		09-27-1996	FUJITSU LTD	Abstract
	4	JP	06-282527		10-07-1994	HITACHI SOFTWARE ENG CO LTD.	Abstract
	5	WO	97/31317		08-28-1997		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		Official Actions from the Japanese Patent Office for Application No. JP10-302008 including Appeal Decision issued April 1, 2008, Questioning issued October 23, 2007, Decision of Refusal issued August 30, 2005 and Notification of Reasons for Refusal issued March 15, 2005 (with English translations).	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.